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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,856	06/22/2001	Roger Bent	7113-0006	6549

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Song Zhu  
Dickinson Wright  
Suite 800  
1901 L Street NW  
Washington, DC 20035-3506

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/786,856

Applicant(s)

BENT, ROGER

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/12/01, 5/9/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority. The effective filing date of the instant application is September 16, 1998.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 7-14, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (6,553,178).

Regarding claims 1 and 11, Abecassis discloses an apparatus for editing a program (col. 2, lines 17-23), the program comprising a plurality of adjacent program segments which run in a program sequence (col. 10, lines 42-53 and col. 22, lines 10-14) and a plurality of program time markers each associated with a respective program segment (each segment is identified with markers, col. 10, lines 29-41, which comprise time information, col. 11, lines 42-50), the program including undesired program segments interleaved between a pair of non-

adjacent desired program segments (col. 11, lines 27-37 and col. 28, lines 37-49), the apparatus comprising:

means (col. 12, lines 18-50) for generating a plurality of control codes (col. 7 line 47 – col. 8 line 3 and col. 10, lines 10-19), each control code being indicative of program content contained in a respective program segment (col. 8, lines 30-40);

means for generating a control code time marker for each control code (control codes include technical aspects of the video presentation, col. 8, lines 40-46, wherein the system uses timing information to refer to specific segments, col. 11, lines 42-50);

means (RAViT, col. 18, lines 33-51) for identifying the undesired program segments by comparing the control codes with previously stored personal preference data to identify an undesired control code (col. 17 line 63 – col. 18 line 8 and col. 22, lines 1-20), and locating a program segment having a program time marker corresponding with the control code time marker of the undesired control code (using timing information to identify segments, col. 11, lines 42-50, the system generates a segment table identifying the segments to be rendered, col. 22, lines 34-43); and

means for generating an edited program sequence by skipping the identified undesired program segments (col. 22, lines 34-43 and col. 28, lines 37-49) and arranging the pair of desired program segments such that they lie adjacently in the edited program sequence (col. 28, lines 50-55).

Regarding claims 2 and 12, Abecassis discloses the method and apparatus of claims 1 and 11, and additionally discloses a memory for storing the desired and undesired program segments (col. 18, lines 33-37 and col. 19, lines 13-17 and col. 21, lines 55-67), and means for compiling the edited program sequence from the stored segments (col. 28, lines 50-55).

Regarding claims 3 and 13, Abecassis discloses the method and apparatus of claims 2 and 12, and further discloses means (col. 18, lines 38-51) for generating and storing the program time markers (col. 11, lines 42-50).

Regarding claims 4 and 14, Abecassis discloses the method and apparatus of claims 1 and 11, wherein the control codes are generated at a remote control code facility (col. 12, lines 19-50) and the edited program sequence is generated at a local station (col. 22, lines 34-43), the apparatus further comprising means for transmitting the control codes from the control code facility to the local station (col. 13, lines 32-38, wherein the local station reads the control code information from the received disc or the received data stream from the video server).

Regarding claims 7 and 17, Abecassis discloses the method and apparatus of claims 1 and 11, and additionally discloses a memory for storing an

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edited program comprising a plurality of program segments which run in the edited program sequence (col. 18, lines 33-37 and col. 19, lines 13-17 and col. 21, lines 55-67).

Regarding claims 8 and 18, Abecassis discloses the method and apparatus of claims 1 and 11, and additionally discloses a display for displaying an edited program comprising a plurality of program segments which run in the edited program sequence (such as display 951 shown in fig. 9).

Regarding claims 9 and 19, Abecassis discloses the method and apparatus of claims 1 and 11, and additionally disclose a memory for storing edited program sequence data which is indicative of the desired program segments which make up the edited program sequence (col. 28, lines 30-36).

Regarding claims 10 and 20, Abecassis discloses the method and apparatus of claims 9 and 19, and additionally disclose the edited program sequence data comprises a list of program time markers (col. 11, lines 42-50).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis.

Regarding claims 5 and 15, Abecassis discloses the method and apparatus of claims 4 and 14, but fails to disclose the program is broadcast on a mass broadcast medium and received substantially simultaneously from the mass broadcast medium by the remote control code facility and the local station.

Examiner takes official notice that it is notoriously well known in the art to utilize distributed networks for interactive video distribution systems, such as remote editing or processing stations that receive broadcast material from the same source as a customer in order to perform additional processing on the broadcast material, in order to provide additional services to customers not ordinarily provided by the broadcast source. For example, such services include associating additional or supplementary content to a broadcast, and providing the additional or supplementary content to subscribers of the service along with the broadcast content. This provides the benefit of additional, dynamic services available to customers that does not require technical upgrades to existing broadcast sources, and provides third party content services providers to work with established broadcast sources to provide new content services to customers.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and apparatus disclosed by Abecassis to broadcast the

program on a mass broadcast medium such that it is received substantially simultaneously from the mass broadcast medium by the remote control code facility and the local station, for the benefit of providing the additional editing service to customers without requiring any expensive modifications or upgrades to existing broadcast sources.

Regarding claims 6 and 16, Abecassis discloses the method and apparatus of claims 4 and 14, but fails to disclose transmitting the program from the remote control code facility to the editing station.

Examiner takes official notice that it is notoriously well known in the art to integrate at a video server the resources associated with the provisioning of additional services. Providing a finished product data stream to a subscriber location over a single channel or source increases the reliability of the service provided to the user, because the single data stream received provides all the data necessary to provide a service, and does not require coordination with data over a different channel or from a different source. For example, a video server that includes supplemental data in the form of web pages from the Internet provides much more reliable service when the server includes the hardware to encode the web pages into the video stream, as if the home user were required to rely on a separate Internet connection to retrieve the web pages, the quality of the service would rely upon the speed and reliability of the customer's Internet connection.



It would have been obvious at the time to a person of ordinary skill in the art to modify the method and apparatus disclosed by Abecassis to transmit the program from the remote control code facility to the editing station, for the benefit of a reliable service provided to the user when editing received video data.

### ***Conclusion***

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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## **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on \_\_\_\_\_.  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

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## **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS

  
HALTRAN  
PRIMARY EXAMINER